

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, NORTHERN DIVISION

WILLIAM WHITE, an Individual,

Plaintiff,

v.

NAVAJO SHIPPERS, Inc., a Colorado Corporation,

Defendant.

Civil Action No. 1:18-cv-00119

DEFENDANT’S NOTICE OF REMOVAL

Defendant Navajo Shippers, Inc., by and through their attorneys of Dewhirst & Dolven, LLC, hereby submits its Notice of Removal pursuant to 28 U.S.C. § 1446(a) for the purpose of removing the above-entitled action from the Second Judicial District Court for the County of Weber, State of Utah, to the United States District Court for the District of Utah, Northern Division, and as grounds therefore, states as follows:

1. Navajo Shippers, Inc. is the named Defendant in a personal injury motor vehicle accident related civil action commenced against them in the District Court, Weber County, State of Utah, entitled *William White v. Navajo Shippers, Inc.* That State Court Action has been assigned case number 180904733 by the Weber County District Court and is hereinafter referred to as the “State Court Action.”

2. A copy of the Complaint and Summons for the State Court Actio that were served upon Navajo Shippers, Inc. via certified U.S. mail in Colorado on August 30, 2018, are attached hereto as **Exhibit A**.¹

3. This notice is timely filed pursuant to 28 U.S.C. § 1446(a).

4. The Complaint identifies two parties: Plaintiff William White and Defendant Navajo Shippers, Inc.

5. The removal of this lawsuit is based upon diversity of citizenship, pursuant to 28 U.S.C. § 1332. Plaintiff allegedly resides in California and resided in Nevada on the date of the subject accident. (**Exhibit A**, Complaint, ¶ 2). Defendant Navajo Shippers, Inc. is a Colorado Corporation doing business in Utah, with its principle place of business in Colorado. (**Exhibit A**, Complaint, ¶ 3). For diversity purposes, “a corporation shall be deemed to be a citizen of any State by which it has been incorporated and of the State where it has its principal place of business.” 28 U.S.C. § 1332(c)(1). Thus, there is complete diversity.

6. Plaintiff claims damages in excess of \$300,000.00.² (**Exhibit A**, Caption, identifying a Tier 3 designation under Utah R. Civ. P. 26). This is based upon Plaintiff’s designation of the State Court Action as being a “Tier 3” designation, which under Utah R. Civ. P. 26(c), is thus designated as an action for which Plaintiff is claiming more than \$300,000.00. Thus, the amount in controversy exceeds the \$75,000.00 amount specified in 28 U.S.C. § 1332(a).

¹ Attached as **Exhibit B** is correspondence identifying counsel for Plaintiff’s confirmation of the of service upon Defendant being August 30, 2018.

² By filing this Notice of Removal, Defendant does not make any admission, concession, or waiver as to any amounts which may be recovered or recoverable by Plaintiff.

7. To the best knowledge of the undersigned at this time, and pursuant to 28 U.S.C. § 1446(a), **Exhibit A** attached to this Notice represent copies of all process, pleadings, and orders served upon Defendant.

8. As of the date of the filing of this Notice, no hearings have been set in the State Court Action and a trial date has not been set.

9. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1441(a), which authorizes removal to the United States District Court for the district encompassing the place where the removed state action is pending.

10. Defendant will serve and certifies service of a copy of this Notice of Removal to Plaintiff as required by 28 U.S.C. § 1446(d). Additionally, a copy of this Notice of Removal will be filed with the Clerk of the Court for the Weber County District Court, State of Utah, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Navajo Shippers, Inc. hereby removes the case pending against it in the Second Judicial District Court of Weber County, State of Utah, entitled *William White v. Navajo Shippers, Inc.*, Case Number 180904733, to the United States District Court for the District of Utah, Northern Division.

Respectfully submitted this 28th day of September, 2018.

DEWHIRST & DOLVEN, LLC

By/s/ Kyle L. Shoop

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